

Institutionalizing horizontal accountability: a conference report

Waldrauch, Harald

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Institutionalizing Horizontal Accountability
A Conference Report

Harald Waldrauch

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Institut für Höhere Studien
Stumpergasse 56, A -1060 Wien
Fax: +43/1/597 06 35

Harald Waldrauch
Phone: +43/1/599 91-177
e-mail: waldrauc@ihs.ac.at

Institut für Höhere Studien (IHS), Wien
Institute for Advanced Studies, Vienna

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Abstract

On 26–29 June 1997, the Austrian Institute for Advanced Studies (Vienna) and the National Endowment for Democracy's International Forum for Democratic Studies (Washington, DC) co-sponsored the Third Vienna Dialogue on Democracy on "Institutionalizing Horizontal Accountability: How Democracies Can Fight Corruption and the Abuse of Power." The conference sought to address one of the most pressing concerns in young democracies, namely how state agencies can prevent other parts of the government from abusing their power or, more broadly stated, from becoming unaccountable. After an initial session of exploring the historical roots of the concept of horizontal accountability and its theoretical status within the comparative study of democratization, four sessions focused on the following institutional fields: judicial systems, electoral administration, central banks, and corruption control agencies.

This report summarizes the presentations and comments made during the conference. Every effort has been made to include the most important points made during the discussions, but space and organizational considerations did not allow the reporting of every single argument or nuance.

Contents

Introduction 1

Session I: The History and Theory of Horizontal Accountability 2

“The Failures of Human Agency: Accountability in Historical Perspective” 2

“Horizontal Accountability and New Polyarchies” 4

Session II: Judicial Systems 7

“The Judiciary and Democratization in Latin America” 7

“Building Judicial Independence in Common Law Africa” 8

“The New East European Constitutional Courts” 10

“Constructing a European Human Rights Order. The European Court of Human Rights” 11

Session III: Electoral Administration 14

“Institutionalizing Electoral Fairness in Ghana” 14

“Electoral Justice in Mexico, 1988–1997: Converging Interests of Party-State and Opposition” 16

“The Third Dimension of Accountability: The Role of the International Community in National Elections” 19

Session IV: Central Banks 22

“Path-Dependent Independence: The Central Bank of Russia in the 1990s” 22

“Independence versus Accountability: The Emerging European Central Bank” 23

“The International Financial Institutions as Agencies of Restraint” 26

Session V: Corruption Control 28

“Corruption, Democracy, and Reform in Africa” 28

“Combatting Corruption in Asia: Comparing Anti-Corruption Agencies in South Korea, Taiwan and Thailand” 29

“Representation, Corruption and Circles of Control: the Case of “Mani Pulite” in Italy” 32

“Developing Agencies of Restraint in a Climate of Systemic Corruption – The National Integrity System at Work” 33

Appendix: List of paper givers and discussants 36

Introduction

Democracy, like so many objects of desire, is a moving target. The contemporary wave of transitions from authoritarian rule has swept more countries than ever before to the promised land of democracy. But now that these polities have reached democratic shores, often after years of intense struggle, they discover that they cannot lean back, relax, and enjoy the democratic sun. Instead they find themselves haunted by old demons that they had hoped to exorcise through democratic rule: corruption, abuse of power, patrimonialism, and clientelism. All these lingering maladies point to one major democratic deficit: the weakness of “horizontal accountability.”

“Horizontal accountability” (a concept developed by scholars such as Guillermo O'Donnell and Richard Sklar) refers to the capacity of governmental institutions including such “agencies of restraint” as courts, independent electoral tribunals, anticorruption bodies, central banks, auditing agencies, and ombudsmen to check abuses by other public agencies and branches of government. (It is distinguished from, and complements, “vertical accountability,” through which public officials are held accountable by free elections, a free press, and an active civil society.) Today there is a growing awareness that democracy requires governments that are not only accountable to their citizens but also subject to restraint and oversight by other public agencies.

Without working systems that can provide “checks and balances” to the overweening power of the executive, democratic regimes tend to remain shallow, corrupt, unconsolidated, and vulnerable to authoritarian or plebiscitarian styles of rule.

Setting up autonomous institutions of horizontal accountability presupposes insulating them from state officials and from the people as well. Clearly, such institutions may come to clash with the principles of vertical accountability. Being unaccountable themselves, agencies of accountability are vulnerable to charges that they are undemocratic. Thus it is important not to overlook the ancient question: Who guards the guardian?

Deficiencies of accountability are often more visible, dramatic, and urgent in new than in long-established democracies. But problems of democratic quality are by no means confined to fledgling democracies. The current mood of political disenchantment and cynicism reigning in many established democracies may, at least in part, be traced back to serious failures in securing public accountability. Institutional solutions are always temporary, and institutional failures as well as changing social, cultural, political, economic, and technological contexts are imposing new imperatives for institutional adaptation and reform even in polities that have some history of effective public accountability.

The conference consisted of five half-day panel sessions. After the first session on the history and theory of horizontal accountability, separate sessions were devoted to four critical institutional aspects of horizontal accountability: the judicial system and constitutional courts, the administration of elections, central banks, and mechanisms of corruption control. One of the papers in each of these four sessions focused on the role of international actors, whereas the other papers were regional or case studies. The sessions consisted of presentations by paper givers, comments by designated discussants, and then a general discussion. Altogether, 16 papers were presented. This report attempts to recapture in abbreviated form the most important points made by the paper givers, discussants, and participants in the general discussion.

Session I: The History and Theory of Horizontal Accountability

“The Failures of Human Agency: Accountability in Historical Perspective”

Biancamaria Fontana

Biancamaria Fontana argued that the idea of accountability is rooted in the widely shared belief that humans are prone to error. Subjects of political authority should therefore be protected from the hazardous behavior of their governors. For a long time, though, the abuse of power by rulers was a secondary problem for political thinkers. Theorists like Hobbes and Locke were much more concerned with the question preserving of order and preventing civil war. Even though both accepted the right to rebel against a sovereign that is no longer able to protect its subjects, and despite the fact that Locke argued in favor of elections, Fontana saw little room for mechanisms of accountability in the political philosophy of these two classical authors.

Even democratic mechanisms of vertical accountability like elections turned out to be ineffective in stopping rulers from abusing their power. The reason for this, Fontana contended, is the natural tendency of politics towards professionalization. Additional mechanisms of horizontal accountability have therefore almost always seemed vital for the correct functioning of vertical accountability. Fontana distinguished two approaches in political theory to the problem of horizontal accountability. A bureaucratic approach would argue for a control of governors by a specialized civil service, exercising control via, e.g., the interpretation of legal clauses or the delay of procedures. Fontana also subsumed Montesquieu's theory of separation of powers under this bureaucratic approach: Separate governmental bodies working in competition with one another allow more opportunities to detect abuses of power and thereby work as a check on other bodies' tendency to expand their power. A democratic

approach, in contrast, would insist that a check on governors is best achieved by popular surveillance. Ordinary citizens can operate through special institutions that are at the same level as the legislative or the executive in order to control them.

Fontana adduced as an example the old Athenian People's Court, in which a random selection of citizens judged the legitimacy of legislative or executive decisions. Such a form of accountability was democratic, Fontana argued, because it was exercised by ordinary citizens; and its horizontal nature was due to the operation of these tribunals as autonomous political bodies. Another democratic but still horizontal form of accountability, she maintained, are political parties. Despite the danger of corruption and unaccountability to voters, Hume and Madison argued, parties have the advantage that they are competitive and visible.

Today, according to Fontana, the democratic tradition of accountability, either through some judicial procedure like the ancient tribunals or through initiatives of popular vigilance, has become more and more problematic and ineffective. As a result, calls for the decentralization of government arise, which should be interpreted as a desire for more accountability.

Discussant: Marc F. Plattner

In his comments on Fontana's paper, Marc Plattner reflected on the meaning of the word accountability. The closest synonym to being accountable, he suggested, is being answerable; but this raises the question: answerable to whom? Despite the fact that accountability today is generally seen as being closely associated with democracy, it is a morally neutral concept. Government officials can also be accountable to a nondemocratic ruler or even to a tyrant. In other words, the goodness of the concept of accountability depends on the goodness of the regime it is practiced in.

Plattner then questioned Fontana's analysis of the contribution Hobbes, Locke, and Montesquieu made to the development of the modern notion of accountability. He noted that Hobbes, despite being a "notorious champion of absolutism," also argued in favor of a government limited in scope. Plattner especially emphasized the importance of Locke's thought in this context: his doctrine that people have a right to revolt against a government violating their trust, and his firm distinction between the legislative and the executive power. Plattner's main conclusion was that the modern notion of accountability is not so much an outgrowth of the republican or democratic tradition; rather, it belongs primarily to the liberal tradition, which exalts individual liberty, limited government, and the necessity to prevent government from going beyond its bounds.

The general discussion centered around how to define and conceptualize accountability and how to distinguish its vertical from its horizontal form. The debate was opened by Philippe Schmitter, who argued that horizontal accountability involves actors with more or less equal

capacities or powers. Schmitter also suggested introducing a temporal dimension of accountability.

Beyond the ex post accountability that Fontana discussed, we should not neglect forms of ex ante accountability, whereby decision makers are held responsible for decisions they are about to make in the future.

Participants attempted to list possible dimensions of accountability in general, which could be used to distinguish among different types of accountability. Todd Eisenstadt saw two decisive dimensions of accountability: to whom an actor is accountable, and from whom the power is delegated for which that actor is accountable. Concerning the “to whom” question, Alessandro Pizzorno introduced the distinction between being accountable to the present people and to the people as a durable entity. The latter idea becomes effective via fixed political procedures designed to secure accountability, which are seen as representing the will of the people over time. In addition, anticipating a theme of his presentation, Pizzorno pointed to the question of the potential consequences (use of force, loss of some identity) of being held accountable for some misconduct.

Finally, Paul Collier asked participants to think about for what some political actor or institution is held accountable. In his view, there are two basic alternatives: being held accountable for the delivery of public goods or for economic policy regulation. Collier suggested that a trend towards the introduction of (quasi-)market mechanisms can be observed in both fields of political activity, and with the result that accountability becomes ever more problematic.

“Horizontal Accountability and New Polyarchies”

Guillermo O'Donnell

Guillermo O'Donnell tried to demonstrate that there are three different and partially contradictory traditions that “have converged into the institutions and to some extent the practice of modern polyarchies”: liberalism, republicanism, and democracy. Whereas forms of vertical accountability (like elections, demands on government, media coverage) make a polyarchy democratic, horizontal accountability can enhance its liberal and republican character. What are the essential features of these traditions? Liberalism emphasizes rights and insists on the dualism between the public and the private sphere. This “defensive” approach is concerned most of all with preventing the state from interfering in the private realm. The public/private distinction features prominently in republicanism as well. But in contrast to liberalism, republicanism insists that a proper development of human life can take place only in the public sphere through political participation. Republican theories therefore put much more emphasis on duties and virtues (especially respect for the primacy of the public good) than on rights. Finally, democracy ignores the public/private divide. In addition, it does not consider

virtues necessary and stresses only the right to participation, which makes it, at least in its pure form, strongly majoritarian. Despite these differences, all three traditions converge in their support for some version of the rule of law.

Horizontal accountability defined as “the existence of state agencies that are legally enabled and empowered, and factually willing and able, to take actions that range from routine oversight to criminal sanctions or impeachment, in relation to unlawful actions or omissions by other agencies of the state is violated in a polyarchy if either its liberal or republican dimension is infringed. O'Donnell named two kinds of violations of horizontal accountability: unlawful encroachment by one governmental institution on another, which is against liberal and republican principles, and corruption (unlawfully taking advantage of public office for private profit), which is above all in conflict with the republican ideal of respect for the primacy of the public good. The democratic tradition, in contrast, may be against corrupt behavior because it defines authority as sanctioned by the people and exercised for the people and not as rule by politicians looking after their private profit. Yet democracy has very little to say about encroachment, which O'Donnell considered the more serious danger for new polyarchies.

The institutionalization of horizontal accountability in a polyarchy cannot, in O'Donnell's view, be brought about by isolated agencies. What is required is a whole network of professionalized, well-equipped, and autonomous bodies, with the judiciary at their center, cooperating to prevent other governmental institutions from transgressing the limits of their formally defined authority. Some of these agencies, like central banks, may even be regime-neutral in the sense that they could also work in nondemocratic regimes. What may be especially helpful for strengthening horizontal accountability through this network of institutions are overlapping areas of authority. But the effectiveness of horizontal accountability also depends on the existence of various forms of vertical accountability, like the media and social organizations.

Discussant: Richard Sklar

Commenting on O'Donnell's paper, Richard Sklar concentrated on the idea of constitutionalism inherent in the concept of horizontal accountability. Just like O'Donnell, who saw the point of convergence of all three traditions in the rule of law, Sklar did not want to limit the relevance of constitutionalism to horizontal accountability only. But he preferred to talk of deep instead of vertical accountability, since deep, as a spacial metaphor, implies extension in any direction, including “up” to “heaven.” Sklar called this upwardly directed type celestial accountability, which is known in the history of political thought as the “appeal to heaven,” or to “the laws of nature and of nature's God.” Constitutionalism, then, invokes celestial as well as horizontal types of accountability. Beyond the study of horizontal accountability, Sklar suggested paying more attention to the “juristic or metaphysical theory of constitutions manifest in the deep commitments of those who have the courage to declare, with celestial fervor, that abuse of

governmental power is intolerable.” Even though the emergence of persons standing up against tyranny escapes easy systematization, Sklar held that the metaphysical theory of constitutionalism is a crucial supplement to structural analysis.

The general debate opened with Juan Linz’s warning not to separate the democratic from the liberal and statist dimension of democracy/polyarchy. Liberal freedoms, the state, the rule of law, and a constitution should not be seen as external to democracy but as being presupposed by it. Linz also expressed some unease about the focus on horizontal accountability because it may lead to a lumping together of criminal abuses of power with violations of political responsibility. In his view, the only relevant question in the context of democratic accountability, apart from whether or not elections are free and fair, is whether a legislature can hold a government accountable for its actions.

Implicit in any form of accountability in a democracy should be the aim of keeping representatives accountable to their electors. Linz therefore warned against putting too much emphasis on non-democratic forms of accountability, like courts or independent agencies, because they are not accountable to the public.

Larry Diamond argued that by highlighting notions like networking and overlapping authorities in the debate on horizontal accountability some degree of vertical accountability is also invoked. Additionally, Diamond reemphasized O’Donnell’s concern that contemporary democracies rely too much on liberal forms of accountability. But he stressed that pure democracies, without due concern for liberal and republican ideas, may also be very undesirable.

Philippe Schmitter criticized the liberal practice of looking at the roles of state and non-state agencies separately. Networks of agencies trying to secure accountability reach beyond the state; they can include strong anti-liberal bodies, like organizations with the power of *Selbstverwaltung* (self-government) found in consociational democracies like Austria. Accountability, then, becomes a matter of interpenetration. Schmitter, therefore, advocated the use of his concept of partial regimes of a democracy in studying questions of accountability.

Richard Sklar reminded participants that some forms of accountability may not always be legal or prescribed by law. This idea was taken up by Herman Schwartz, who pointed to the example of the 1994–96 Republican congress, which, in his view, was very accountable to many economic lobbies. Like other participants, Schwartz stressed the need for a mix of democratic elements of accountability with elements that are ultimately nondemocratic. This mix should be based on a system of constitutionalism in which some highest court watches over the enforcement of legislative as well as constitutional norms. And because these norms cannot all be assigned to one of O’Donnell’s three traditions, in the end high courts should enforce the mix of institutions rooted in different traditions.

Session II: Judicial Systems

“The Judiciary and Democratization in Latin America”

Pilar Domingo

Pilar Domingo asserted that the ideal typical description of what a judicial system is all about (guarding the law and the constitution, providing a forum for dispute-settlement, administering criminal justice) is in sharp contrast with the way most judiciaries in Latin America actually work.

They are widely distrusted because they are considered corrupt, inefficient, clientelistic, and far from impartial. They do not safeguard horizontal accountability and are unable, or even unwilling, to protect rights in a systematic manner. Finally, Latin American judiciaries are not subject to internal mechanisms of accountability and transparency. Numerous forces, however, are pressing for judicial reforms in the region, including an increasing variety of domestic and international civil society organizations. The strongest demand for an enhanced rule of law, however, comes from economic elites, foreign investors, and international financial institutions. Their foremost interest lies in strengthening the legal framework of private property. Because their bargaining power is the greatest, Domingo considered non-parallel reforms, whereby the legal system is improved only inasmuch as it concerns the economic realm, as quite likely.

Domingo noted three areas of judicial reform in Latin America: the relation of the judiciary to other branches of government; the administration of justice; and equal access to justice for all strata of society. The first is of special interest in regard to horizontal accountability. The most obvious reason for the lack of political independence of judicial systems in the region is the tradition of strong executives dominating the political system. Moreover, Latin America's history of political instability has failed to allow enough time for an accommodation among constitutional institutions, has prohibited institutional continuity, and has led to irregular replacements of judges. With only a few exceptions (Chile, Colombia), appointment procedures for supreme judges and judicial staff in general are based on clientelism and patronage rather than on adequate professional-assessment mechanisms. Finally, Domingo pointed to the limited powers of judicial review that leave Latin American judiciaries relatively weak in relation to other governmental branches. Nevertheless, the recent trend towards politically more independent decisions and the growing enthusiasm for separate constitutional tribunals based on the successful Spanish model allow for some optimism for the future.

Domingo warned against unrealistic expectations for speedy and effective judicial reforms in Latin America, given the massive obstacles: strong networks of patronage and clientelism; well-entrenched social habits of circumventing the law; executives and legislatures that are

unwilling to give up control; and judicial personnel that feel threatened by improved mechanisms of internal accountability.

Discussant: Juan Linz

Commenting on Domingo's paper, Juan Linz stressed that in the light of rapid population growth, urbanization, and other processes of modernization in Latin America, the expansion of the judiciary and its functions is unavoidable. This requires an increase of all kinds of resources. Of special importance in this respect is a well-trained staff, but this is the one resource that is hardest to acquire in the short run. Independence from political influence in the appointment of judicial staff is especially important in the context of high-level appointments; for lower levels, questions of payment, training, and the like are of higher priority in terms of judicial independence. Finally, Linz pointed to the relationship between the judiciary and the police, which, in his view, is a subject that requires much more research.

“Building Judicial Independence in Common Law Africa”

Jennifer Widner

The main focus of Jennifer Widner's presentation was on how and why judicial independence has emerged in African countries with a common law system. Drawing on interviews with African judges and lawyers, she came to the conclusion that standard explanations for judicial independence (especially those based on group pressures) do not work very well in common law Africa. Instead, she stressed the initiative of judges themselves.

According to Widner, the typical starting point for judicial independence in the region is a temporary deal between the executive and the judiciary to make the latter an impartial adjudicator.

The motivations for striking these deals vary. Judges may approach top governmental officials in order to secure the rule of law or to retain certain areas of jurisdiction for the courts. Top officials, on the other hand, may be willing to confer increased independence on the judiciary for reasons such as a desire to distinguish themselves from their predecessors, conflicts within the ruling party, or a need to root out corruption. Widner placed strong emphasis on the importance of negotiations between top officials and judges, like those between President Nyerere and Chief Justice Nyalali in Tanzania, in bringing about agreement on the goal of a judiciary that is independent from political influence.

Once a measure of judicial independence has been obtained, chief justices in the region have applied various strategies to strengthen it. Widner grouped them as follows: 1) the improvement

of judicial effectiveness via mechanisms to monitor corruption and external interference; 2) constituency building, through legal literacy programs, lobbying for a multi-party system, and the use of religious symbols to confer legitimacy on courts; 3) the refashioning of jurisprudence with the aim of making the rules of judicial interpretation more compatible with local values and beliefs; 4) lobbying for laws that are appropriate for the needs of a quickly modernizing society and the development of public demands for judicial dispute settlement; and 5) the search for alliances with international organizations.

What is most distinctive about the development of judicial independence in Common Law Africa? First of all, Widner stressed the central role played by judges, which she attributed to the absence of economic elites pressing for judicial independence. Second, judges regard the public as the central bulwark against encroachments on the judiciary, despite the many obstacles to the development of a unified public in those countries (ethnic diversity, geographical and technical barriers to communication, alternative traditional authorities, poor and rural population with little or no contact with courts). Finally, Widner pointed to the high importance that judges attach to jurisprudence. This emphasis on rules of interpretation is based on the belief that colonial laws as well as international covenants may be considered alien by the people, and therefore have to be reconciled with traditional norms. In addition, supreme court judges are convinced that the judicial system cannot be legitimized simply by striking down governmental decisions. They also believe in the need to explicate the rules of interpretation so that the public can understand what the principles of law-making should be. Last but not least, judges view themselves as sources of guiding norms in times of rapid social change, which again may help to build up their reputation and a public that is willing to stand up to protect judicial independence.

Discussant: Richard Sklar

Richard Sklar endorsed Widner's emphasis on the important role of judges in the establishment and defense of judicial independence. In particular, he pointed to the interesting parallels that she (as well as the judges themselves) drew between the roles of contemporary Chief Justices in Africa and those of their counterparts in the nineteenth century United States. Figures such as Chief Justice Nyalali of Tanzania, just like their American predecessors, have recognized the importance for judicial independence of professionalizing judicial staff. Sklar suggested that in Africa, as in the United States, the quest for judicial independence would be directly affected by the quality of training provided by schools of law. Concerning the quest for allies or constituencies that would support judicial independence, he mentioned the natural alliance between "lords judicial" and "lords spiritual," as well as the reservoir of potential support from customary court judges despite their rival (reconciliationist rather than adversarial) methods of adjudication.

The general discussion was opened by Herman Schwartz's critique that neither paper considered the influence of the type of law system code versus customary law on the social status of judges, which might have an effect on their ability to press for more independence. In response, Domingo acknowledged that judges in Latin America are typically held in rather low public esteem, but argued that this is a not result of the region's code law system. Schwartz appealed for a more detailed examination of the reasons why judges press for independence: Higher court judges could differ substantially in their motivations from judges at constitutional courts or from judges at lower levels in the judicial system.

Emmanuel Gyimah-Boadi observed that there seem to be important differences between East and West African countries. Whereas Widner presented judges as the driving force behind the extension of judicial independence in East Africa, in Ghana it is the bar association. He added that judges in Ghana have particularly weak standing vis-à-vis the government: The first and only judge that dared to issue a ruling against the government was forcefully removed from office in the 1960s.

Paul Collier stressed the need to look closely at from whom judicial independence is sought. If a government is reluctant to grant judicial independence, one should look at the government and society in general and not so much at judges in assessing the chances for an independent judiciary. In contrast, if a government is committed to making the judiciary independent from political influence, the central question becomes how it can lock itself in to reform and close off a return to a system of politically dependent courts. The solution to this problem is likely to be financial in Collier's view. Good pay can also help to insulate the judiciary from the corrupting influence of litigants. If limited resources do not allow for a rapid increase in overall judicial salaries, Collier suggested a strategy of "ring-fencing": Reforms should start with a core group of judges that become the vanguard of a judicial staff complying with the ethical standards of the profession.

"The New East European Constitutional Courts"

Herman Schwartz

Herman Schwartz started off by tracing the origins of the European model of separate constitutional tribunals on which the constitutional courts in Eastern Europe are based back to Hans Kelsen's draft of the Austrian constitution after World War I. But the true rise of constitutional courts in Europe took place after 1945, when the belief that democracy needs constitutional justice spread all over the continent. Contrary to Kelsen's original design, these courts have human rights jurisdiction as their basic cornerstone. By 1989 constitutional courts could be found almost everywhere in Western Europe; the inclusion of this institution into the new democratic constitutions of Eastern Europe was therefore easily predictable.

How have the constitutional courts of Eastern Europe worked? Schwartz concluded that the success stories are in those countries where a smooth democratic transition has taken place: In Poland the constitutional court was set up even before the transition, and in Hungary it was an outcome of the Round table negotiations. Both courts have succeeded in upholding the principle of the rule of law, protecting citizen rights, and working as an effective check on executives' aspirations to expand their powers unconstitutionally. Even though in both countries the courts' decisions have sometimes been heavily criticized, their very right to rule has never been called into question. The Russian case, in contrast, was described by Schwartz as less positive. From 1991 to 1993 the constitutional court issued many well-reasoned and politically independent decisions and thereby acted as a counterweight to President Yeltsin. In September 1993, however, it was dissolved by the president in an unconstitutional manner. And even though its institutional standing was only slightly weakened under the new constitution, the new court was no longer able to check executive decisions effectively because its new members were appointed by Yeltsin precisely for their political docility. Other countries with mixed records are Bulgaria and Slovakia. In Bulgaria the government led by the ex-communist BSP [sp.out] in 1994-97 quite openly declared war on the constitutional court by manipulating its appointment procedures and cutting salaries and other resources.

Ultimately, however, the court managed to continue to act independently and overturned numerous efforts by the BSP-government to reverse reforms. The constitutional court in Slovakia has overturned many laws as well, and it is therefore in constant conflict with the government of [first name] Meciar. Because the court is highly popular, Meciar by and large has complied with the court's rulings, though often only after some hesitation. Finally, in Kazakhstan, Belarus, Albania, and to some degree Romania, constitutional courts have more or less completely failed to secure political independence. In these countries either constitutional judges were chosen on the basis of political patronage, thereby ensuring their compliance, or the courts were eliminated from the constitution altogether.

The lesson Schwartz drew from these examples is that constitutional courts can act independently only insofar as they are accepted by other political forces and branches of government. This acceptance is most seriously in danger in regimes that are dominated by a strong president: "Strong men do not like checks, and often make sure in advance that they will not have any." It can be concluded that presidentialism in a country with a weak democratic culture is the most fertile soil for executive encroachments on an independent judiciary.

"Constructing a European Human Rights Order. The European Court of Human Rights"

Roger Errera

Roger Errera's presentation focused on the history and future prospects of the European Court of Human Rights, which has its basis in the European Convention on Human Rights (ECHR).

In the 47 years since its signing, the ECHR has evolved substantially: the number of the contracting states of the convention has multiplied, and 11 protocols have been added; moreover, another legal order with another court (the supranational European Union system) has been created. Through the interpretation of the Convention by the European Court of Human Rights, a common law of human rights has developed. Two principles stand out in this respect: First, any restriction of rights must be prescribed by law. This means that the law should be accessible and should contain basic guarantees and safeguards. Second, restrictions of rights are legitimate only insofar as they are necessary for the protection of a democratic society; this means that limitations of rights must be based on a pressing social need and should be in accordance with the principle of proportionality.

In terms of the concept of horizontal accountability, it is remarkable that the relationship between the European Court of Human Rights and national courts is not fixed but rather is characterized by a constant interplay. This is due to the fact that the European Court is not comparable to national supreme courts. Some states have incorporated the ECHR into their constitutions, but even in these states the European Court of Human Rights has no power to enforce a particular interpretation of the convention. After all, the convention is international, but its enforcement is a national matter. Another question is the relationship between the ECHR-system and the European Court of Justice (ECJ). The question of whether or not the European Community [Union?] may itself adhere to the ECHR has been answered by the ECJ's advisory opinion of 28 March 1996: no clause of the Rome Treaty gives the institutions of the [EU ?] jurisdiction to enact rules relating to human rights or to sign international treaties in this area.

Errera listed three challenges for the future of the ECHR-system. The first is its reform by the 11th protocol, which will come into force, after it has been ratified by all contracting states (probably in 1998). The second challenge is that of enlargement: with the integration into the ECHR-system of a number of Central and Eastern European states, there is a danger that the level of rights protection might decrease. A temptation could emerge to apply a less demanding interpretation of the Convention to these transitional countries because of the many other problems that they face. Finally, the issue of whether or not to incorporate into the ECHR new rights, such as equality and nondiscrimination or other social and economic rights, is still an open question.

Discussant: Joseph Marko

Joseph Marko first pointed to the great variety of competencies including judicial review, the protection of human rights, or the banning of certain political parties that may contribute to a constitutional court's becoming a success story. At a minimum, Marko held, a constitutional

court should be the guardian of the constitution and the protector of the rights of minorities. But if, as in Austria or in Poland under the “Little Constitution” of 1992, the court’s rulings can be overturned by parliament, its basic function is in serious danger. Marko questioned whether a strict separation between law and politics can really be upheld, and whether it would not be more appropriate to consider constitutional courts as yet another type of political actor. He emphasized that this is not simply a matter of common versus civil law because the invention of rights by supreme courts can be observed in countries as diverse as the United States and Switzerland.

Marko also raised the issue of judicial impartiality, especially in relation to appointment procedures. Schwartz had pointed to Bulgaria, where the constitutional judges are split into two groups: reds (close to the ex-communist BSP) and blues (close to the UDF [sp.out]). But the judgments handed down by the court almost never reflected this partisan divide. In fact, Schwartz had cited one of the judges as saying, “To think that who appoints us will determine how we vote is just naive.” Even judges who were appointed in a partisan manner can develop something like a judicial esprit de corps.

Finally, Marko emphasized the need for building legitimacy for constitutional courts. In his view, the institution’s “aura” is the key to this kind of legitimation: constitutional courts have to build up some kind of persuasive authority. Most European constitutional judges, as Schwartz had indicated, are prestigious law professors who almost never explain their decisions to the public, try to speak to the public solely through their judgments, and give no comments on everyday political issues.

Opening the discussion, Juliet Johnson observed that in most cases the legitimation of a constitutional court’s power is based on a democratic constitution. But in Eastern Europe, Poland being the most prominent case in point, some courts already had been powerful actors even before major constitutional change took place.

Guillermo O’Donnell raised two points. First, he expressed his unease with Schwartz’s conclusion that constitutional courts seem to work best where the transition to democracy has been relatively smooth; O’Donnell noted that this is not a very comforting finding for young democracies that had a hard time transiting from authoritarianism. Second, he argued that, with more and more cases being taken to court, Latin America is currently experiencing a “juridification” of politics, but this does not necessarily mean that judiciaries play a more important role in solving political conflicts. Therefore, a reliable quantitative measure of the importance of courts is urgently needed.

Questions of measurement were also raised by Andreas Schedler who demanded more precise criteria for evaluating whether or not a constitutional court can be considered a success story. Todd Eisenstadt focused on how to measure judicial independence. He doubted whether the

number of rulings adverse to the government can be taken as such a measure because it does not make much sense when looked at in isolation from the efficiency and quality of rulings.

Finally, Pilar Domingo asked Roger Errera to elaborate more on the way the ECHR is enforced. Errera responded that, of course, the European Court of Human Rights has “no gendarmes” in Strasbourg to enforce its rulings and also lacks the power to fine states, unlike the ECJ. The main mechanism of enforcement is reputation: states do not want to lose face by losing a case at the European Court of Human Rights or, even worse, by not implementing its rulings. How judgments from the Court are put into effect differs from state to state, but the standard of implementation is high. Most states, after having lost a case before the European Court of Human Rights, have enacted new legislation or regulations. Their highest courts have also changed their case law.

Session III: Electoral Administration

“Institutionalizing Electoral Fairness in Ghana”

Kwadwo Afari-Gyan

paper presented by: E. Gyimah-Boadi

Kwadwo Afari-Gyan’s paper described the reform of the electoral process in Ghana after the founding elections of 1992. Because these elections were insufficiently prepared and the interim electoral commission was mistrusted, the opposition refused to accept the results of the November 1992 presidential elections. This mistrust in the electoral process resulted in the boycott of the parliamentary elections of the following month by the main opposition parties, a boycott that led to a de facto one-party parliament after the elections.

To build opposition trust in the electoral process of 1996, therefore, the overall system of electoral administration had to be reformed. The most important step in this process, according to Afari-Gyan, was the inclusion by the reformed Electoral Commission of all parties in the registration of voters and the preparation for and actual administration of the elections. Political parties were also involved in planning the electoral reforms via participation in the so-called Inter-Party Advisory Committee. With members of the Electoral Commission coming together with party representatives to find a common position on how to proceed, this committee played a crucial role in building up trust and consensus, despite the fact that its powers were merely advisory. Finally, a series of additional measures (transparent ballot boxes, cardboard screens, training of election officials and party agents, public education programs, and the encouragement of domestic election observer groups) were implemented to make the elections fairer and cleaner.

In his presentation of Afari-Gyan's paper, E. Gyimah-Boadi made a number of critical remarks, especially on the Electoral Commission. He noted that, even though the seven members of the Commission are appointed for life and are formally independent, the rather partisan manner in which the President appoints them on the advice of the Council of State (an advisory body provided for in the constitution) calls their independence in question. In addition, some degree of continuity in mentality can be observed because some Commission members also worked in the parent body of the present election authority in the period before democratic rule. The second main reason for the limited independence of the Electoral Commission is its weak resource base: The Consolidated Fund provided for in the constitution to cover the Commission's expenses is endowed with only very limited resources, leaving the Commission dependent on external donors to a large degree. The commission's lack of full independence led to functional shortcomings. Gyimah-Boadi also criticized the Commission's inability to prevent the government from exploiting its incumbency. In 1996, it could not stop the President from addressing the nation after the end of the official campaign. In addition, the Commission proved ineffective in enforcing post-electoral accountability, failing to make parties deliver reports about the sources and amounts of the money that they spent during the campaign. Finally, the Commission's handling of appeals against electoral outcomes has been too slow and ineffective.

Discussant: Larry Diamond

Commenting on Gyimah-Boadi's presentation, Larry Diamond started by asking "accountability to what?" to the law or to some principles. Since laws in transitional democracies can be tilted towards the ruling party, the international community and the domestic public expect accountability to the principle that major public officials should be chosen in free and fair elections reflecting "the will of the people". Freedom in this context should be defined as freedom from intimidation, obstruction, and disenfranchisement as well as freedom to register, vote, contest for office, organize political parties, and conduct electoral campaigns. Fairness, on the other hand, involves honesty in counting, collecting, and tabulating the actual ballots cast and equality for all citizens in access to the ballot.

These principles cannot be satisfied merely by ex post accountability in the form of adjudication of disputes after elections. Electoral accountability, in Diamond's view, should encompass ex ante accountability as well, which refers to a free and fair conduct of the electoral campaign. All parties and candidates must have equal opportunities to canvass for political support, to raise funds, and to communicate platforms and messages through the media as well as rallies and personal contacts. Finally, Diamond emphasized the importance of a combination of immediate ex ante (deployment of monitors) and immediate ex post accountability (reporting of malpractice, parallel vote tabulation) on election day itself.

Diamond also recapitulated two key themes relevant to the conference as a whole. First, formal political structure matters. For the electoral realm, this means that institutions of electoral administration and adjudication must have autonomy and insulation from control by the incumbent government and, ideally, from political parties altogether. This can be achieved via impartial appointment procedures, sufficient funding, autonomous administration of the funds granted, secure tenure in office, training of the staff, and the endowment of these institutions with technical and operational capacity. In addition, Diamond stressed the need for institutionalized mechanisms to ensure transparency. Whereas accountability is a matter of responsibility or answerability to sources, principles, and rules of authority, transparency involves openness and accessibility to all potentially interested observers. Transparency in the electoral realm, Diamond maintained, is more important than, for example, in the administration of a currency by a central bank because free and fair elections are the core institution of electoral democracy. If they are to meet the key test of success, namely broad acceptability, they require the trust of all major electoral factions. In addition, transparency in the electoral realm can strongly foster credibility, trust, and mutual security, key components of a democratic political culture.

The second key theme underscored by Diamond was the importance of political will at the top. The president or the ruling party must be willing to have fair and free elections, to implement the necessary institutional reforms, and to enforce institutional accountability. If this will is lacking, then pressure for reform and/or the enforcement of accountability has to come from civil society and from abroad. Diamond expressed concern that outside pressure and help, especially with respect to the threat of aid cuts or sanctions in case of fraudulent elections, have been much more lax in Africa, than in Eastern Europe or Latin America.

“Electoral Justice in Mexico, 1988–1997: Converging Interests of Party-State and Opposition”

Todd A. Eisenstadt

Since the late 1920s, Mexico has been an electoral regime, even if quite a repressive one toward its independent opposition. Electoral fraud by various means was the norm for decades. But since the end of the 1970s, this practice of manipulating elections has given rise to ever-increasing criticism from both domestic and international actors. In his presentation, Eisenstadt described the series of electoral reforms undertaken since that time as the result of the interplay of strategies among three “players”: the ruling Institutional Revolutionary Party (PRI), the international community, and opposition parties.

The PRI started to introduce electoral reforms to give the regime a more democratic appearance in the international arena. In 1986, it established the Tribunal of Electoral Contention (TRICOEL) as a means of appeasing the opposition and preventing its unification. In

fact, this body was designed as mere window-dressing. Although opposition parties could directly nominate magistrates to this tribunal, the TRICOEL had almost no power other than that of issuing recommendations to the PRI-controlled, election-certifying Electoral College. This lack of influence became especially obvious in the presidential elections of 1988, which were characterized by massive and apparent fraud.

The opposition parties used the TRICOEL (later reformed as the Federal Electoral Tribunal, or TFE) as an additional institutional platform for striking deals with the PRI or prolonging tensions over electoral disputes that the PRI had wished to silence. The right-wing Party of National Action (PAN), a well-organized party with many lawyers in its ranks, changed its strategy in the early 1980s by mobilizing against the regime. Its main goal, however, was to negotiate agreements with the PRI, seeking concessions, like future election victories and government posts in exchange for its support of the PRI's economic reform policies. Due to its legalistic bent, the PAN also managed to file sophisticated complaints at the electoral courts. By contrast, the left-wing Party of the Democratic Revolution (PRD), with its clientele of peasants, the urban poor, and intellectuals, refused to cooperate with the PRI in any respect because it considered this a betrayal of the values of the Revolution. Instead, it followed a strategy of often violent postelectoral mobilizations at the grassroots. At the same time, it filed complaints with the electoral courts and used the outcomes of their proceedings as a basis for negotiations.

Both strategies contributed to the same outcome: the establishment and constant strengthening of electoral courts as mechanisms of post-electoral accountability. Whereas the PAN pressed for these courts in direct negotiations with the PRI, the PRD's bottom-up mobilizations threatened to make the regime ungovernable, compelling the PRI to make concessions in terms of increased electoral justice. While the PAN is pleased with the reforms, the PRD still criticizes the system of electoral justice, especially the procedural complications involved in filing a complaint. In any case, Eisenstadt concluded that the TFE has become a tribunal with real judicial (instead of mere administrative) powers and has gained enough institutional autonomy to ensure at least some accountability. The TFE was even given the power to certify elections, but this has not been tested to date in presidential elections.

Discussant: Andreas Schedler

In his comments, Andreas Schedler first asked Eisenstadt to be clearer in his definition of the Mexican regime: Is Mexico still semi-authoritarian or even authoritarian, or has it already passed the threshold to liberal democracy? In addition, he conceded that international pressure might have been the reason for the initial "window-dressing" reforms, but argued that NAFTA, for example, was not used by the U.S. to promote Mexico's transition. Eisenstadt replied that international pressure had played an important role in the initiation of electoral reforms as late as 1993/94, and had been needed to get the ball rolling in 1989/91. He further insisted that the

process of negotiating NAFTA had contributed to the establishment of new institutions of electoral accountability.

Schedler then raised doubts about Eisenstadt's incentive- and interest-based explanation of the introduction of institutions of electoral accountability, noting that nearly every Mexican development has been explained some time or other by reference to some interest of the PRI.

Schedler also encouraged Eisenstadt to put more emphasis on ideas, as opposed to interests, when looking at the role of opposition parties. He illustrated this by referring to post-electoral mobilizations: If they were used by the opposition to gain seats, then it remains to be explained why uprisings also took place in cases where the opposition had absolutely no chance of winning the race (i.e., where the margin was too big). Eisenstadt conceded that competitiveness was not the strongest correlate of post-electoral conflicts; more important was the perception by opposition parties that elections were not clean. But he also held that parties generally acted according to short-term interests by giving absolute priority to winning the next elections and negotiating even small benefits. Schedler acknowledged that mechanisms of informal institutionalization have stabilized the electoral regime in Mexico over decades, but added that informal institutionalization can have negative as well as positive consequences for the democratic quality of a regime: negative if new democratic institutions are set up but do not work according to democratic principles; and positive if, for example, a biased electoral law is in place, but elections are still basically free and fair.

Schedler also asserted that the Mexican electoral courts can gain credibility only by ruling against the PRI. This may not advance the rule of law and horizontal accountability, however, because a PRI defeat in proceedings at the electoral court does not necessarily coincide with a properly impartial decision in terms of what the law demands.

In the open discussion, Pilar Domingo argued that the system of electoral justice in Mexico can be endowed with credibility only if the public comes to believe that one day the PRI will lose elections. Domingo also questioned the high costs of investments in the Mexican system of electoral administration, noting that its budget already exceeds that of the country's entire judiciary.

O'Donnell offered a conceptual remark on the two papers: a polyarchy is a regime in which elections are institutionalized, which involves the expectation that elections will be held again. This criterion does not yet allow one to classify Mexico and Ghana as polyarchies. Robert Pastor also questioned Mexico's claim to be a democracy in view of its long tradition of rigged elections. He cited the metaphor of "asymptotic democracy": Mexico and democracy are like two lines that converge but never meet.

Juan Linz qualified the view that the holding of founding elections is the most difficult step towards a fully, consolidated democracy. He reminded participants that even after free and fair founding elections, a tradition of rigged elections can still have a negative effect through the ongoing presence of a machinery of manipulation and especially through a pervasive public belief that elections are not really free and fair. It is this belief in the freedom and fairness of elections, and not just in their likely recurrence that is imperative for democratic consolidation. Second, Linz asserted that while monitoring by external observers can be very helpful for a transition to democracy, it should not become a habit, because that would be a sign of lack of trust in the democratic process. Robert Pastor urged more attention to NGOs, comparing their evaluations of the freedom and fairness of elections with those of electoral tribunals. He also asked Gyimah-Boadi whether the international community had contributed to the legitimization of illegitimate elections in Ghana.

Gyimah-Boadi confirmed that this had been the case in 1992, but added that the international community had helped to set up and to legitimate the Inter-Party Advisory Committee in 1996.

Richard Sklar criticized the role of African opposition parties, which often complain about electoral fraud even in cases when they alone do not accept the validity of the results. Pastor agreed that in many cases, notably in Mexico, the opposition and its strategies were part of the problem. In a similar vein, Larry Diamond maintained that it is crucial for the opposition to unite to take advantage of the opportunity for a democratic breakthrough provided by even a seemingly biased electoral system. Gyimah-Boadi conceded that the opposition had behaved badly in Ghana in many ways, but praised it for protesting vigorously to the broadcasting station and the electoral commission in 1996 when the president addressed the nation after the end of the official campaign.

Summing up, Andreas Schedler pointed to the legacy of expectations of partiality resulting from a tradition of rigged elections. The central question then becomes how to build up trust. The answer, he argued, lies in the visibility of impartial action: Institutions have to be seen as acting impartially. This directs attention to the importance of public perceptions and of practices like signalling and the use of symbolic behavior.

“The Third Dimension of Accountability: The Role of the International Community in National Elections”

Robert Pastor

For Robert Pastor contended that the international community provides a “third dimension of accountability enhancing vertical accountability by making sure elections are successful and strengthening the horizontal axis by calling encroaching institutions to account for their actions”.

The international community could not help to strengthen accountability in new democracies so long as the doctrine of non-interference dominated over the principle of free and fair elections. But the growing importance of international human rights agreements and the end of the Cold War contributed to a redefinition of the notion of sovereignty and to the blurring of the boundary between domestic and international affairs.

Pastor cited three basic preconditions for international actors to be helpful in mediating elections: They have to be welcomed by all political actors, informed, and sensitive to a country's basic cleavages. Election monitors should strive for the acceptance of election results by all political forces, and this acceptance requires that elections are viewed as fair and clean. Monitors should seek to give confidence to parties and voters alike that the vote will be safe and accurately counted. They have to mediate between political forces and deter fraud. Bringing all parties, even non-democrats, into the electoral process and making them stick to it should be the ultimate aim of all their efforts.

Not all actors are equally well suited to perform these functions. Pastor argued that NGOs are more appropriate as election monitors than Intergovernmental Organizations (IGOs) because the latter may be seen as partial. IGOs, on the other hand, can mobilize greater publicity and thus make electoral fraud more costly.

Pastor attributed special importance to the technical side of electoral monitoring. Despite the fact that the administrative capacity to carry out elections may be deficient in new democracies, any irregularities will invariably be interpreted by some side as politically motivated. Monitors should be present during the whole electoral campaign and until the transfer of power to minimize the chance that any side will find a reason to challenge the electoral results.

Finally, Pastor warned against limiting the role of the international community to electoral monitoring alone. A mechanism of special importance in this respect can be a membership requirement of democracy in inter- or supranational organizations, which creates an incentive for states to attain and keep a democratic regime. Pastor deemed particularly relevant in this context the development of NATO guidelines for the protection of democracy in member states, especially in view of NATO's projected enlargement.

Discussant: Andreas Schedler

Commenting on Pastor's presentation, Andreas Schedler questioned the conceptualization of international accountability as simply a third dimension in addition to horizontal and vertical accountability. With regard to Pastor's three conditions for successful monitoring being welcome, understanding the task, and knowing the country he challenged the view that protesting vigorously to the broadcasting station and the electoral commission all political forces must welcome the monitors, arguing that monitors can build up a reputation of impartiality only after they have started working. He also questioned how one could define the basic conditions of being welcome. Pastor answered that what really matters is a written invitation, so that a disinvitation is not possible without a serious loss of face.

Schedler also pleaded for greater precision in differentiating the roles to be played by monitors/mediators and what he termed enforcers (electoral administration) and reinforcers (indirect support) of elections. The critical question in this respect is how these different actors build up a reputation. Finally, he noted Pastor's account of the history of electoral monitoring as characterized by discontinuous change and many critical moments, such as the invitation of electoral monitors to Nicaragua in 1990. Schedler advocated paying more systematic attention to how such critical moments emerge and to how thresholds are crossed beyond which progress can be made toward increased democratic accountability.

Opening the discussion on Pastor's presentation, Guillermo O'Donnell noted that there is a division of labor among NGOs on the domestic as well as the international level that matches the distinction between the liberal, democratic, and republican traditions. The liberal tradition is represented by human rights groups. Electoral monitoring organizations try to uphold the foremost democratic principle, namely elections. Finally, organizations like Transparency International have recently begun fighting corruption and other illegitimate transgressions of the public-private boundary on the basis of republican values. Herman Schwartz recalled that in nearly every country of Eastern Europe international election observers had been present, but that their record had been mixed. He contended that the international community has much more to offer in supporting democratic development than electoral monitoring, but that the international community uses these powers too rarely. For example, the U.S. has foregone the opportunity to enforce workers rights and environmental issues with NAFTA.

Philippe Schmitter proposed two hypotheses about international electoral monitoring. First, if everybody wants it, it is of no use. Second, it should not be overused because it works best if it is offered least. Pastor rejected the first hypothesis, noting that political actors often invite election monitors with a poor understanding of what the consequences will be. (Other non-democratic politicians, like Carlos Salinas or Fidel Castro, understand the impact of international observers quite well, and therefore refuse to invite them.) As to the second hypothesis, Pastor replied that where there are strong reservoirs of mutual distrust and a lack of consensus on the neutrality of the electoral process, as in Nicaragua and Panama, monitors may have to return for a subsequent election.

Richard Sklar stated that it is almost impossible to operationalize the notion of the international community. He also pointed to the possibility that international action may in fact be aimed at intervention rather than just mediation. John Heilbrunn picked up this theme by asking to what extent certain electoral monitors may follow the foreign policies of their home countries. Pastor confirmed the occurrence of attempts at using election monitoring for foreign policy purposes, but added that in most such instances these monitors are not trusted. He also noted that political party institutes have to be very careful to avoid being considered as biased actors.

Finally, Emmanuel Gyimah-Boadi asked how the integrity and accountability of international observers themselves can be ensured. Pastor responded that key institutions must be represented by professional and credible persons, but that it would be wrong to force amateur electoral monitors “out of the business.” Pluralism and competition among international observers should be seen as a positive thing.

Session IV: Central Banks

“Path-Dependent Independence: The Central Bank of Russia in the 1990s”

Juliet Johnson

Using the example of the Central Bank of Russia (CBR), Juliet Johnson sought to demonstrate three things: First, besides formal legal autonomy, it also takes political autonomy and technical capacities for a central bank to act independently. Second, the belief that the formal legal and political autonomy of a central bank necessarily leads to a monetarist policy aiming at price stability is theoretically flawed. And third, structural constraints and personalities may affect a central bank’s capacity to pursue traditional anti-inflationary policies.

Johnson described how the origins of the CBR in the Soviet banking system led to high degree of formal legal autonomy. This legal independence was granted as a means of demonstrating the political independence of Russia at a time when the Soviet Union was still in place. Later, during the conflict between president Yeltsin and the Russian parliament, the CBR continued to enjoy a high degree of political autonomy because neither of the two sides wanted to allow the other control over the central bank.

But contrary to standard assumptions equating autonomy with anti-inflationary policies, the CBR until mid-1993 disbursed credits to economically weak enterprises and tried to secure high levels of production and employment. This was due, above all, to the fact that the CBR leadership was ignorant of standard economic theory and clung to communist doctrines instead. In addition, a series of technical difficulties stood in the way of typical central bank

policies: a staff trained under communism; a lack of standard tools of central banking, including a usable payment and clearing system; the fact that 14 former Soviet banks outside Russia continued to issue rubles, depriving the CBR of the capacity to control the money supply; and the need to fund the government, which had lost most of its traditional revenues.

Ironically, the CBR started to act as an “ordinary” central bank only after its political autonomy was seriously curtailed. This loss of political (though not formal legal) autonomy was the result of the unconstitutional dissolution of parliament in 1993 and the ensuing shift in the balance of power towards the president. The move towards more monetarist policies was also fostered by an increase in technical assistance and training by the IMF and by the end of the ruble zone.

Nonetheless, the implementation of anti-inflationary policies failed to bring about all the desired economic effects because a series of structural problems remained in place.

Johnson also commented on some issues that had emerged during the conference. She challenged O'Donnell's view that central banks are regime-neutral agencies, arguing that central banks cannot build up the credible autonomy that they need under an authoritarian regime. She emphasized that a central bank needs at least an independent judiciary from the start. Picking up the topic of transparency, Johnson listed four reasons why it should also be a basic principle for central banks: it helps to generate credibility; it prevents corruption; it enhances predictability for economic actors; and finally, it is important for strengthening a central bank's legitimacy.

“Independence versus Accountability: The Emerging European Central Bank”

Martin Schürz

Martin Schürz focused on the European Central Bank (ECB) that the European Union (EU) is setting up as part of its planned monetary union. He described Germany as the driving force behind the institutionalization of the ECB as a copy of the German Bundesbank. Schürz noted, however, that the ECB's legal independence will be greater than that of any national central bank; only a revision of the EU Treaty, which would involve the European Parliament as well as all the national parliaments, could change its status. According to the Treaty, the primary goal of the ECB will be price stability, but it does not determine how this goal is to be achieved or what an appropriate level of inflation would be. In addition, the ECB will not be accountable to any community institution or national government.

Schürz found fault with the orthodox tenet that central bank independence leads to low inflation. Instead, he argued for an inverse causality: An independent central bank is accepted only where inflation is low and where a consensus exists that it should remain low. This is what

lies at the heart of the German system. In achieving the consensual goal of price stability, the Bundesbank closely cooperates with the government, despite its formal independence. A consensus of this kind cannot be expected all over Europe, however. Some countries do not share the German aversion to inflation and would rather give primacy to tackling unemployment. In this situation, the ECB might be tempted to earn credibility by following an exceptionally tough policy. Conflicts with national governments would then be unavoidable, which “should be interpreted as indications of inefficiencies in the decision-making process of monetary policy and not as favorable signs of the functioning of the independence concept.” In case the ECB then fails to explain its policy to the public, the whole system would run into serious trouble.

To avoid this scenario, Schürz proposed measures to strengthen the ECB’s accountability. He cautioned against a mechanical transfer of successful national central bank designs to the supranational level without making sure that monetary policy will be coordinated with other policies. Specifically, Schürz recommended greater influence for the European Parliament and the European Council of Ministers of Finance over the choices inherent in monetary policy. Short-term tradeoffs between inflation and unemployment should be weighted by elected politicians, not by unaccountable central bankers. Finally, the ECB should determinedly follow a policy of transparency, issuing a continuous flow of information about its policies, concepts, and targets to other institutions and to the public. Even though credibility can only be earned through predictable policies over time, transparency can partly serve as a surrogate in the beginning.

Discussant: Philippe Schmitter

Commenting on Johnson’s and Schürz’s papers, Philippe Schmitter put special emphasis on the question of how to legitimate the existence of nondemocratic institutions (or nondemocratic guardians of democracy, to use Robert Dahl’s term) that are necessary for the functioning of democracy. For some institutions, like armies, central banks, or constitutional courts, functionalist justifications can be given. For others, the justification is based on tradition. A third kind of justification is political, as when a nondemocratic institution is set up to tie a state to some policy in case the current opposition comes to power. The problem is that guardians can only work as such if their future behavior is predictable to some degree. As Schürz had hinted, this is one of the major problems with respect to the ECB.

Schmitter pointed to other considerations that make the application of the national central bank model on a supranational level problematic. First, if the EU were a nation-state, it would provide for compensatory flows of money to certain regions in case of an uneven impact of some policy; but in the EU such flows do not exist to a sufficient degree. Second, the EU experiences extremely little internal labor movement as compared to the United States, where people often move in response to monetary flows. Third, the European Union is characterized

by a high degree of heterogeneity of preferences. A central bank, however, presupposes national political unity, as it cannot continuously act against strong public preferences without endangering its autonomy.

The basic question, then, is how to guard the guardians. Orthodox monetarist theory would argue that a central bank does not need mechanisms of accountability, whereas a pure republican would hold that accountability is unnecessary where there is a broad societal consensus (which was demonstrated to be absent in the EU). It could be argued that guardians should guard themselves, but one cannot take for granted that these institutions' internal norms will support the goal of external accountability. More specifically, it must be asked how the autonomous ECB can be kept politically accountable. The European Court of Justice will not have jurisdiction over the ECB. A governing council would not be an adequate counterweight to the ECB in Schmitter's view; the European Union already has too many mechanisms of horizontal accountability, but too few of vertical accountability. The only solution, Schmitter concluded, would be the democratization of the EU as such. All things considered, he added, the EU is not yet ripe for a monetary union. Its introduction is extremely badly timed.

In the general discussion, Paul Collier again drew participants' attention to the most important argument in favor of independent central banks, namely the prevention of time inconsistency in monetary policy. He noted, however, that while the rule that greater independence leads to lower inflation is true for developed countries, this relationship does not hold in less developed countries. On the other hand, another rule holds in every context: the longer the tenure of central bank governors, the lower inflation. Another critical factor for the independence of a central bank may be which persons hold the top positions. Collier pointed to the example of five African countries that chose expatriates as central bank governors to increase this institution's independence.

Finally, Collier doubted that a multinational central bank is intrinsically problematic. He admitted that this is the case in Europe, but asserted that taking monetary policy out of national politics by establishing a multinational central bank could be the solution for Africa's prevailing problem that central banks lack credibility.

Robert Pastor asked what has to be added to our stereotype of autonomy to understand how institutions safeguarding accountability work. He mentioned such factors as expertise or a sense of mission on the part of the persons governing an institution of horizontal accountability. Finally, Pastor posed the question whether different stages of national development call for different degrees or forms of autonomy for certain institutions.

“The International Financial Institutions as Agencies of Restraint”

Paul Collier

The basic question underlying Paul Collier’s presentation was why the application of conditions for the granting of aid (“donor conditionality”) by International Financial Institutions (IFIs) has not brought about the successful and sustained economic policy reforms that African countries require in order to attract urgently needed foreign investments. He started with an analysis of the concerns of investors. One is the fear that their investments will create an incentive for the government to reverse economic reforms. A second is that a government is not really committed to reforms. A third is that there might be policy reversals in case parties or ministers in government change.

What can governments do to reduce these fears? Collier specified two general strategies, both aimed at enhancing a government’s credibility. The first he called signalling: a government undertakes a behavior that demonstrates its sincerity about reform. The second strategy consists in constructing lock-in mechanisms to restrain the government’s future behavior; donor conditionality is one such lock-in mechanism.

In Collier’s view, the problem with donor conditionality to date is that it has tried to constrain governments’ behavior through threatening penalties that lack credibility. The reasons for this are manifold: penalizing poor states has no moral legitimacy in the eyes of the Western public; it gives penalized governments the opportunity to blame their own incompetence on foreign donors; all too often long lists of conditions are applied, so that the violation of only one condition leads to the dilemma of either punishing excessively or not punishing at all; and there are strong incentives for IFIs not to penalize because it might endanger the whole system of lending. Collier also criticized the overburdening of donor conditionality with objectives running counter to the IFI’s goal to be an agency of restraint for African governments. Using donor conditionality as an incentive for policy change is problematic: it harms the credibility of reforms: it creates the image that reforms are bought and owned by the IFIs; it puts governments in a position to negotiate against reforms, “selling” as little change for as much aid as possible; and it gives them an incentive to make unrealistic promises. By repeatedly supporting unsustainable reforms, IFIs have damaged the credibility of governments in the whole region, even those that are committed to reforms.

Collier proposed to redesign donor conditionality to increase its credibility. Donor conditionality, he argued, should be employed only to prevent the reversal of reforms. The adoption of reforms should be seen as an internal event for which only the respective governments bear responsibility. Governments could thereby demonstrate their willingness and capacity to stick to reforms. Aid should then be made dependent on what has already been achieved, with only a few central policies prescribed by the IFI and the details left to the government. IFIs should

selectively use donor conditionality as a means of rating reforms ex post because private investors are interested in what already has been (and not what will be) achieved in terms of a stable economic environment.

In addition, IFIs should refuse to enter deals of donor conditionality with too severe penalties or with penalties for a reversal of reforms in highly controversial policy areas. Finally, African countries should use global or regional trade groups, like the WTO or the EU, as external agencies of restraint by locking themselves in to reform in return for access to their markets.

Discussant: Philippe Schmitter

Philippe Schmitter distinguished political from economic conditionality. The latter makes aid dependent on the implementation of some economic policy and demands a binding of governments' future behavior. Political conditionality, on the other hand, aims at making a regime more democratic. In many real world cases, however, political conditionality is limited to a one-off certification procedure, as in the case of admittance to the Council of Europe, so that future deteriorations of democracy in a country remain unsanctioned. Thus, the international community relies more on signals from governments than on locking them in to democratic politics. This shying away from the use of lock-in mechanisms as a means of promoting democracy may be rooted in the view that they are undemocratic because they exclude certain matters from democratic decision-making.

To make democracy promotion more effective, Schmitter proposed to redesign political conditionality in such a way as to reward good behavior rather than to punish bad behavior.

Therefore, following Collier's rule that aid cannot buy reforms, one should wait for prior internal democratic reforms and reward ex post those countries that did best. In particular, countries should not be granted membership in international organizations before they achieve some democratic standard, and they should be expelled in case they do not comply with predefined standards of democracy. In general terms, countries should be given only rewards that can be removed again.

Schmitter argued that political conditionality should precede economic conditionality, whereas with Eastern Europe the reverse was the case. He also observed that there is a competition among suppliers of conditionality, especially when it comes to political conditionality. One should take into account that there is no single actor called the "international community." Referring to Schmitter's comment on the nondemocratic character of lock-in mechanisms, Larry Diamond remarked that pure democracy may not be desirable anyway. In the same context, Juan Linz noted that by adopting democratic constitutions the actors involved do exactly what has been described as being undemocratic: they lock in themselves and future politicians. In addition, a constitutional rule that provides for qualified majorities for certain

political decisions is a way of locking politics in. Jennifer Widner also defended allegedly “nondemocratic” lock-in mechanisms, insisting that the lock-in mechanism of granting rights is unavoidable if the holding of elections is to be secured.

Robert Pastor pointed out that if a policy benefitted everyone it would be implemented anyway. Therefore he asserted that the real problem for the credibility of donor conditionality, redesigned or not, is what prevents a government from changing its mind after it has been locked in.

Finally, Guillermo O'Donnell asked whether the mechanism of locking in governments to reform is regime-neutral. Collier replied that it is impossible to lock in dictatorships, which cannot bind themselves due to the fact that this would require them to shed some authority.

Session V: Corruption Control

“Corruption, Democracy, and Reform in Africa”

John R. Heilbrunn

Discussing anti-corruption measures in five African countries, John Heilbrunn distinguished three potential strategies for fighting corruption: legislation, the establishment of independent agencies, and reliance on control by NGOs. In Botswana, high growth rates allowed the government to endow its anti-corruption directorate with a relatively large budget, whereas the anti-corruption commission in Tanzania still suffers from low salaries and a shortage of funds. In Senegal a legislative anti-corruption strategy proved ineffective because of the country's many religions and languages. Anti-corruption campaigns in Cote d'Ivoire, under both autocracy and democracy, turned out to be directed more against political rivals than against corruption itself. All in all, the francophone countries relied almost exclusively on legislative strategies, while the anglophone countries backed up legislation with anti-corruption bureaus. In Benin, the principal focus of Heilbrunn's paper, corruption contributed to the economic collapse of 1989, subsequently leading to the transition to democracy in 1990. Even though the new democratic government under [first name] Soglo initially pursued economic reforms and anti-corruption campaigns quite successfully, Soglo later was accused of corruption and nepotism himself. The result was his defeat in the presidential elections of 1996.

Two special institutional features stand out in Benin's fight against corruption. The first is the five National Conferences (or États Généraux) that have taken place since 1990. At these conferences all kinds of corporate groups discussed themes of broad public importance (reforms of the territorial administration, the civil service, the judiciary, and the economy) and developed recommendations to the government. These conferences attracted strong public attention, and decisively helped to increase the legitimacy of the regime, moderated social

conflicts, and contributed to the definition of political institutions. Corruption was discussed at one point or another at all these conferences. Heilbrunn concluded that, even though no specific measures were proposed, the conferences were crucial for sharpening the public's attention to problems of corruption and accountability.

The second institution of interest in this context is the so-called Presidential Commission for the Improvement of Moral Standards in Public Life. Its tasks include the investigation and prosecution of corruption and education about its consequences. Among the factors responsible for the commission's relative success were having its own budget and the non-partisan nature of its members. Heilbrunn drew special attention to the role of civil society: the commission was broadly supported by the public, by business leaders, and especially by the media.

“Combatting Corruption in Asia: Comparing Anti-Corruption Agencies in South Korea, Taiwan and Thailand”

Jon S.T. Quah

Comparing anti-corruption measures in three new Asian democracies, Jon Quah concluded that the basic problem in all these countries is still the inadequate remuneration of civil servants. This is most obvious in Thailand, the biggest and poorest of these three countries. According to Transparency International, corruption is also a much more widespread and serious problem in Thailand than in South Korea or Taiwan. Thailand's Commission of Counter Corruption, whose origins date back to the 1970s, was described by Quah as relatively unsuccessful in curbing corruption. This is reflected, for example, in the persistent practice by public officials of setting aside ten percent of provincial budgets for their own purposes, a practice the Interior Ministry knows about but is unable to root out.

In South Korea, which has been described as the “Republic of Total Corruption,” mostly inefficient attempts to get rid of corruption also have a long tradition. In 1992, Kim Young Sam won the presidential elections with a campaign promising anti-corruption and pro-transparency measures.

He thereby seemed to put an end to the tradition of a lack of political will at the top in fighting corruption. Kim introduced two new agencies: the Board of Audit and Inspection and the more analytically oriented Commission for the Prevention of Corruption. Recently, however, trust in the president's willingness to counter corruption was seriously undermined by a scandal involving his son.

Finally, Taiwan is plagued primarily by two forms of corruption: vote-buying and bribery and fraud in public construction programs. Even though the topic of corruption seems to be under-

researched in Taiwan, the evidence presented by Quah suggests that the Anti-Corruption Department set up inside the Ministry of Justice in 1989 has been relatively successful. A mix of measures have proven effective, including investigations; severe punishments for vote-buying and extremely high rewards for reporting it; the education of the public and its encouragement to report all kinds of corruption; a revision of electoral laws; and the urging of parties to nominate clean candidates.

Discussant: Juan linz

Juan Linz began by suggesting that Heilbrunn and Quah placed too little weight on the analysis of different types and forms of corruption and the different kinds of counter-strategies that they call for. He suggested that the analysis of the kinds of measures required for rooting out corruption at the highest level had been especially neglected.

Linz argued that more systematic attention should be given to the relationship of democratization to corruption. Democracy generates not only opportunities to improve anti-corruption measures but also incentives for corruption in the competition for power. Linz also touched upon the question of corruption's social basis. Of special importance, he asserted, is a culture of particularism, which leads to a system of doing favors for family members and friends and to social transactions that strongly privilege them. Particularism often breeds forms of corruption that do not involve monetary transactions, what makes them less usable and predictable for outsiders.

Finally, Linz questioned whether corruption at lower levels can be fought effectively in poor societies lacking the resources to increase the salaries of civil servants. Linz drew attention to a possible anti-corruption model, in which particular sectors of the civil service dealing with a lot of money are linked with a system of fees that have to be paid by applicants. These fees would first go to the state but would then be redistributed in some way to civil servants to improve their pay. Linz concluded that a system of "universalized bribes" of this kind would create a particular form of incentive for civil servants not to take bribes for themselves but to collect it for the benefit of all. As an example of such a model, Linz cited the patrimonialized bureaucracy in Spain during the late Franco era.

In the discussion, Michael Johnston contended that economic growth is essential to anti-corruption reforms, not only because it increases state resources available for raising civil servants' salaries, but also because it provides people with economic alternatives so that they are not dependent on exploiting a job in the public administration. (The lack of alternatives was illustrated by Quah with the example of Myanmar, where people pay to get a job in the customs department, where the highest bribes are paid.) Second, Johnston argued that growth can lead to a decrease in corruption only insofar as markets are institutionalized and a distinction between market and non-market transactions exists. The problem is that not only

does growth work against corruption, but corruption also has a negative impact on growth. Jennifer Widner observed, however, that there is no association between rates of growth and the level of corruption in Africa. A reason for this might be that economic liberalization simply leads to changing patterns of corruption.

Fredrik Galtung called attention to the East Asian paradox of high growth rates with high levels of corruption. He explained this by a lack of political will to curb corruption: All too often new anti-corruption institutions are not backed up by credible political leadership. Galtung also mentioned a second paradoxical case, namely that of Japan, where the bureaucracy is clean even though the salaries of civil servants are comparatively low.

Larry Diamond questioned whether high salaries alone could deter corruption when vast amounts of money were under the discretion of public officials. In such a situation, Diamond argued, credible penalties are also needed to make anti-corruption efforts effective. Quah supported this point, arguing that raising salaries can only be one step in a whole package of measures aiming at making corruption a high-risk low-return practice. He added, however, that high salaries can at least prevent a brain drain of skilled civil servants.

Diamond also stressed the importance of political culture for explaining corruption. He detected a strong dose of republicanism in Singapore and Hong Kong, which makes it possible for them to control corruption despite the lack of democracy. Africa, in contrast, has no such political culture, so the introduction of elections does not automatically lead to effective anti-corruption measures. The key in such a situation, Diamond argued, is top-level political commitment. As a case in point he cited Botswana, where a political will to curb corruption has been present since independence. Corruption control in Botswana preceded economic growth and was an important precondition for it. In many cases, however, political parties will not have an incentive for anti-corruption measures because they may be involved in corruption themselves to finance democratic competition. A vigorous civil society can play a pivotal role, massively mobilizing for the institutionalization of credible institutions of corruption control. Heilbrunn added that the causality can also be reversed: The implementation of anti-corruption measures may become possible only after credible leadership has mobilized public support against conservative forces trying to protect the system.

Robert Pastor drew attention to the dilemmas involved in measuring corruption. Do we interpret a high rate of arrests of corrupt bureaucrats as a sign of effective anti-corruption measures or as an indicator of high corruption? And how do we avoid being fooled by policies such as the “displaced harassment” practiced by former Panamanian dictator Manuel Noriega. General Noriega struck a deal with certain Colombian drug cartels to go after their rivals. While it looked like a campaign against corruption and drug trafficking, it was in fact part of high corruption.

Finally, Juan Linz raised the question of why electorates regularly forgive political parties for their corruption. Even in the West, opposition to corruption does not mobilize much support, which may be explained by the fact that ordinary voters themselves are not as clean as mainstream democratic theory assumes. Heilbrunn responded that it may simply be the leadership ability of certain politicians that leads people to be forbearing. This was probably the reason why Benin's former dictator [first name] Kérékou was voted back into office again in 1996. Quah added that it may also be a matter of culture. In Thailand, for example, people are tolerant of corruption as long as there is not a huge amount of money involved.

“Representation, Corruption and Circles of Control: the Case of “Mani Pulite” in Italy”

Alessandro Pizzorno

Alessandro Pizzorno began by pointing to a universal trend making representative institutions weaker and judiciaries more powerful. Due to internal and international constraints, legislative regulation has become less effective, and more and more interest groups simply pass representative institutions by. The constant expansion of the weight of the judiciary, by contrast has been induced by a trend away from regulatory toward society-changing laws, leading to greater emphasis on rights and their protection by courts. The judiciary has gained discretionary and even law-making authority because it has to interpret laws that are becoming ever more detailed and ever more vague. The vast expansion of procedural rights has led to a situation in which “access to judicial mechanisms comes to be seen as more efficacious than access to politically representative ones.” Pizzorno argued that contrary to conventional wisdom, the political environment in which the Italian judiciary developed its drive to control the party-dominated political system was not one of “polarized pluralism.” Instead, Italy had experienced “semi-consociational” cooperation among all political parties at all levels of government for quite some time. Even though the left was not in government, it was strong enough to influence political decisions. By the end of the 1970s, the judiciary had attained the formal legal autonomy it still enjoys. Both its adjudicating and prosecuting branches are self-governing and therefore free from political influence. Its discretion over whom to prosecute is uncurtailed (opening up the danger of “invasive magistrates”), and its promotion system is determined exclusively by principles of seniority. A new generation of magistrates has been guided by an ideology of “vicarious opposition” (substituting itself for the missing political opposition). But this ideology was not, as Pizzorno emphasized, a leftist one. All political strands were represented among the magistrates, but in the end their political affiliations had no influence on their actions. In short, professional solidarity ruled.

Yet the judiciary did not draw its power merely from its formal independence and its internal coherence. Probably just as important was the broad public support it received, based on its success in fighting the mafia and uncovering the misdeeds of politicians. To some degree, this

led to an inversion of roles. The judiciary, and not the parliament or the government, was seen as the real representative of the public will. As a result, the political branches were unsuccessful in trimming the powers of the judiciary. Pizzorno added that the public opinion as an informal and external mechanism of control not only reigned in representative institutions through its support for judicial action (the formal external mechanism of control), but also quite directly applied sanctions like the loss of reputation. These sanctions were so serious that 18 persons prosecuted by the judiciary committed suicide.

“Developing Agencies of Restraint in a Climate of Systemic Corruption – The National Integrity System at Work”

Fredrik Galtung

Fredrik Galtung devoted his oral presentation to a discussion of Transparency International (TI), an international NGO dedicated to combatting corruption. TI was founded in 1993 as corruption was becoming one of the most discussed issues worldwide. Galtung listed many reasons for this increased interest in the topic. First, there is evidence that corruption really has gotten worse.

Second, economic globalization has led to increased foreign investment in countries with serious corruption problems. Moreover, processes of democratization have contributed to a growing awareness of corruption worldwide. Finally, after the end of the Cold War and the “end of ideology,” superpowers no longer support corrupt dictatorships for strategic reasons, and their misdeeds can now be discussed more openly.

TI was originally planned to be an intergovernmental organization, but in the end it was established as an NGO in Germany. Even though half of its budget comes from governments, they do not exert influence over its work. Although at first TI planned to deal solely with corruption in international business, it soon became clear that its focus had to be expanded.

Galtung described TI's work as being more concerned with prevention than investigation.

The aims of TI are as follows: assisting and developing national integrity systems, lobbying for more anti-corruption programs internationally, and raising public awareness. Galtung contended that TI has been especially successful with respect to this third goal. TI attracted considerable public attention with its Corruption Index, based on surveys among international businessmen, which ranks countries according to their level of corruption. Galtung argued that the results of the index have influenced some of the countries being criticized. The government of Malaysia, for example, put advertisements in newspapers urging foreign investors to report corrupt practices to the national anti-corruption agency, whose budget it also increased. In Pakistan, after the opposition had discussed the results of the Index in parliament, then prime minister

Benazir Bhutto declared that the country was free of corruption; two weeks later Bhutto was forced to resign (though Galtung did not claim this as a success for TI). In 1997 a second index will be published, dealing with the sources of the money used for bribery. Thus the clients and not just the principals (state) and agents (civil service) involved in corrupt transactions will also be criticized.

Discussant: Michael Johnston Discussing both presentations, Michael Johnston emphasized that the sequencing of anti-corruption strategies matters. Most anti-corruption measures presuppose that certain mechanisms of horizontal accountability are already in place. In designing these strategies, however, one should not always take for granted the proper working of the rule of law. Implementing a proper mix of anti-corruption strategies in a particular country at the right time is therefore crucial.

Johnston also cited the role of political competition, which he acknowledged can produce incentives to become involved in corruption as well as incentives to root it out. A lack of political competition, however, usually leads to an increase of corruption. Therefore, efforts to pluralize political forces are also a step towards decreased corruption. Finally, Johnston picked up the theme of the relationship between democratization and corruption, noting that mobilization against corruption may be a very useful vehicle in the fight against a nondemocratic regime because it allows opposition forces to challenge the regime without attacking it directly.

Guillermo O'Donnell called for more systematic research on the role of different types of media in the fight against corruption. He argued that a reasonably free press is a precondition not only for democracy, but also for any effective anti-corruption strategy. One problem in this respect is that when politicians are already strongly mistrusted, the public's attention span for revelations of new scandals will be very short, and corruption may have no influence on voting decisions. On the other hand, there is the danger of trials in the media, or of corrupt journalists using their position and knowledge to blackmail politicians.

O'Donnell also posed the question of how to define corruption in a culturally neutral way, given that some practices are considered corrupt in one society and perfectly admissible in another.

The problem of where to draw the empirical, as well as normative, line becomes especially urgent in societies where helping one's (extended) family is a strong obligation. Speaking as an activist (rather than a social scientist), Galtung responded that a campaign against corruption can proceed without a clear consensus on accurate definitions. He added that, despite the fact that there may be cultural origins of corruption, cultural arguments all too often are abused for defending corruption in the face of external criticism.

Finally, Jennifer Widner urged going beyond mechanisms of policing and prosecuting corruption to consider strategies that tackle the causes of corruption's tenacity in the face of ongoing

anti-corruption campaigns. For example, she noted that most people simply cannot take a case of corruption to court because they have no money. Another obstacle to effective prosecution may result from a country's legal system. In common law systems, prosecution is possible only if accusations are presented to the court, and some cases may not be brought forward because of fear of a libel law.

Appendix: List of paper givers and discussants

Kwadwo Afari-Gyan (Chairman of the National Electoral Commission of Ghana)

Paul Collier (University of Oxford)

Larry Diamond (Hoover Institution, International Forum for Democratic Studies)

Pilar Domingo (Centro de Investigación y Docencia Económicas, CIDE, Mexico-City)

Todd A. Eisenstadt (University of California, San Diego)

Roger Errera (Conseil d'Etat, Paris)

Biancamaria Fontana (University of Lausanne)

Fredrik Galtung (Transparency International, Berlin, and Cambridge University)

Emmanuel Gyimah-Boadi (Institute for Economic Affairs, Accra)

John R. Heilbrunn (University of Maryland at College Park)

Juliet Johnson (Loyola University Chicago)

Michael Johnston (Colgate University and University of Durham)

Juan Linz (Yale University)

Joseph Marko (University of Graz, Austria)

Guillermo O'Donnell (Kellogg Institute for International Studies)

Robert Pastor (Emory University, Atlanta)

Alessandro Pizzorno (European University Institute, Florence)

Marc Plattner (International Forum for Democratic Studies, Washington DC)

Jon S.T. Quah (National University of Singapore)

Andreas Schedler (Institute for Advanced Studies, Vienna)

Philippe C. Schmitter (European University Institute, Florence)

Martin Schürz (Austrian National Bank)

Herman Schwartz (American University, Washington, DC)

Richard Sklar (University of California, Los Angeles)

Jennifer Widner (University of Mexico)